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August 10, 2020

Via ECF

The Honorable John G. Koeltl
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Application granted.
SO ORDERED.

New York, NY
August 11, 2020

/s/ John G. Koeltl
John G. Koeltl
U.S.D.J.

RE: Joint Motion to Extend Time to File Joint Stipulation of Dismissal in *Larry Magarik, et al. v. Comprehensive Consulting Group, et al.*, Case No. 1:19-cv-11211-JGK

Dear Judge Koeltl:

The parties in the above-captioned case jointly request a brief, fourteen-day extension in which to file the Joint Stipulation of Dismissal dismissing with prejudice all claims in this case. If the extension is granted, the Joint Stipulation of Dismissal would be due August 25, 2020. Counsel for the Plaintiffs, Larry Magarik and the Retirement Fund of Local 1482 Paint and Allied Products Manufacturers, has conferred with counsel for all Defendants who have agreed to join in this Motion. In support of their Motion for an Extension of the Time in which to file the Joint Stipulation of Dismissal, the parties state as follows:

1. On July 10, 2020, Plaintiffs entered into a settlement agreement with the remaining non-settling defendants, Comprehensive Consulting Group (“CCG”) and Kenneth Ballan, disposing of all claims, cross-claims, and counterclaims between the parties.
2. The terms of the settlement provided for payment of settlement amounts by August 10, 2020. The settlement also provides that the parties will file a Joint Stipulation of Dismissal with Prejudice within fourteen (14) days after receipt of the final settlement payment.

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3. On July 10, 2020, the parties filed their Second Status Report on Settlement, advising the Court of the July 10, 2020 Settlement Agreement. Dkt. No. 55.
4. On July 13, 2020, the Court entered an Order instructing that “[t]he parties should file the joint stipulation [of dismissal] no later than August 11, 2020.” Dkt. No. 56.
5. As of August 9, 2020, not all of the settlement payments provided for in the Settlement Agreement had been paid, meaning that, according to the terms of the Settlement Agreement, the Joint Stipulation of Dismissal would not be due to be filed until August 25, 2020.
6. As provided for in the Settlement Agreement, the parties require an additional two weeks before filing their Joint Stipulation of Dismissal to ensure that all the payments required by the Settlement Agreement have cleared.
7. The proposed extension is in the interest of justice and will not prejudice any party because the fourteen-day period is contemplated by the Settlement Agreement.

Therefore, the parties respectfully request that the deadline to file the Joint Stipulation of Dismissal be extended by two weeks to August 25, 2020.

DATED: August 10, 2020

/s/ Adam Bellotti

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*Submitted with the permission of Counsel to CCG,
and Counsel to Mr. Ballan, and Counsel to Kane
Kessler*

cc: all counsel via ECF